

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

Opal Angelo,

Plaintiff,

v.

Stellar Recovery, Inc.,

Defendant.

Docket 3:17-cv-01138-JMM

(JUDGE JAMES M. MUNLEY)

FILED ELECTRONICALLY

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**MOTION TO REOPEN THE CASE, ENFORCE THE  
SETTLEMENT AGREEMENT, AND AWARD ATTORNEY'S FEES**

1. On August 10, 2017, the parties settled and Defendant, *inter alia*, agreed to pay Plaintiff \$4,950.00. To date, Defendant has failed to do so. A copy of the settlement agreement is attached hereto as Exhibit A.

2. Shortly after the settlement was reached, Defendant filed a notice of settlement. (Doc. 12.)

3. On August 16, 2017, the Court entered a standard order dismissing the case and providing the parties with sixty days in which to consummate the settlement. (Doc. 13.)

4. The settlement agreement provided that the settlement funds would be tendered no later than September 8, 2017.

5. Plaintiff has made multiple attempts to resolve the outstanding payment issue with Defendant. A copy of an email string between counsel for the parties is attached hereto as Exhibit B.<sup>1</sup>

6. The settlement agreement also provides that Plaintiff shall be entitled to an award of reasonable attorney's fees and costs if Defendant fails to cure a default of the agreement within ten days of receiving written notice of the default. (*See* Ex. A. ¶ 5(c).)<sup>2</sup>

7. On September 20, 2017, Plaintiff notified Defendant's counsel in writing of the default. (*See* Ex. B.)

8. On September 28, 2017, Plaintiff requested concurrence with this motion. (*See* Ex. B.) Defendant's counsel did not respond to this request.

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<sup>1</sup> Information that is irrelevant to this motion has been redacted from Exhibit B.

<sup>2</sup> If Defendant pays \$4,950.00 within seven days from the date that this motion is filed, Plaintiff will waive any right to recover attorney's fees for Defendant's failure to comply with the settlement agreement. However, if Defendant has not tendered the settlement payment within that time-frame, Plaintiff will be forced to incur additional attorney's fees preparing a brief in support of this motion, and she will no longer be willing to waive any fees.

WHEREFORE, Plaintiff respectfully requests that the Court reopen the case, order Defendant to pay the agreed upon \$4,950.00, and award Plaintiff her reasonable costs and attorney's fees.

s/ Brett Freeman

Brett Freeman  
Bar Number PA308834  
Attorney for Plaintiff  
SABATINI LAW FIRM, LLC  
216 N. Blakely St.  
Dunmore, PA 18512  
Phone (570) 341-9000  
Facsimile (570) 504-2769  
Email bfecf@sabatinilawfirm.com

**CERTIFICATE OF SERVICE**

Service is being effectuated via the CM/ECF system.

s/ Brett Freeman

Brett Freeman

**CERTIFICATE OF NONCONCURRENCE**

On September 28, 2017, Plaintiff requested concurrence with this motion. Defendant has not responded to the request.

s/ Brett Freeman

Brett Freeman